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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,654

09/26/2003

Jeyhan Karaoguz

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EXAMINER

LUONG, ALAN H

ART UNIT

PAPER NUMBER

4126

MAIL DATE

DELIVERY MODE

10/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,654

Applicant(s)

KARAOGUZ ET AL.

Examiner

ALAN LUONG

Art Unit

4126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Specification***

1. The disclosure is objected to because of the following informalities: Incomplete US Patent Application Serial No. of Paragraph [02] line 6 and 8.

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7,11,13,15-16,18-19,23-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5,7-13, 16-17, 21-24, respectively of copending Application No. 10/667833. For example:

10/672654 (claims 1-3)	10/667833 (claims 1-3)
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<p>1. A system supporting the exchange and consumption of media using a common user interface, the system comprising: a television display in a first home; a first storage for storing media, in the first home, having a first associated network address, the first storage communicatively coupled to the television display;</p> <p>2. The system of claim 1 wherein the media comprises at least one of audio, a still image, video, and data.</p> <p>3. The system of claim i wherein the media comprises real-time video.</p>	<p>1. A system supporting concurrent consumption of media from multiple sources, the system comprising: a first television display in a first home; a first storage in the first home that stores a first media, and having an associated first network protocol address;</p> <p>2. The system of claim 1 wherein the first media comprises at least one of audio, a still image, video, and data.</p> <p>3. The system of claim 2 wherein the first media is real-time video.</p>
<p>6. The system of claim i wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure.</p>	<p>7. The system of claim 1 wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure.</p>
<p>11. The System of claim 10 wherein the at least one media peripheral comprises at least one of 'a digital camera, a digital camcorder, an MP3 player, a home juke-box system, a multi-media personal digital assistant (PDA), and a mobile multi-media gateway device,</p>	<p>11. The system of claim 10 wherein the at least one first media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player.</p>

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in application are the same subject matter to the claims in the copending application although the claims in copending application are broader than the claims in application.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2004/0132403 (US'403) to Alba, in view of US Pub. No. 2004/0203593 (US'593) to Whelan et al.

Regarding to claim 1: Alba discloses a system supporting the exchange and consumption of media (as a wireless cable networking gateway 120 of Fig .1; see Abstract and using a common user interface (as TV Cable Backbone 132 of Fig.1), the system comprising:

a television display (134 of Fig.1) in a first home (as a premises cable network 130 of Fig. 1, para.[0029]);

a first storage for storing media (a wireless cable networking gateway 120 is coupled with WAP 410 and Wi_Fi device as computer 450 , see Fig. 4), in the first home, communicatively coupled to the television display (a first TV set 134, wireless cable networking gateway 120 and TV cable backbone 132 ; see Fig. 4, para. [0030]);

a first user interface (WAN 110, wireless cable networking gateway 120 and TV cable backbone 132) for display on the television display (first TV set 134), the first user interface supporting the exchange and consumption of media, and having a first look and feel (see Fig. 4 and para. [0009], [0010]);

a personal computer monitor (136 of Fig. 1) in a second home (as a premises cable network 130 of Fig. 1, para. [0029]);

a second storage for storing media (Gateway 120 is coupled with WAP 410 and a computer 450 of Fig. 4) , in the second home, the second storage (computer 450) communicatively coupled to the personal computer monitor (second TV set 136)(see Fig. 4, para. [0009] [0010]),

a second user interface (wireless access point 510, wireless cable networking gateway 120 and TV cable backbone 132) for display on the personal computer monitor (second TV set 136), the second user interface supporting the exchange and consumption of media, and having a second look and feel (see Fig. 5, para. [0059]);

the first user interface and the second user interface (WAN 110, WAP 510, wireless cable networking gateway 120 and TV cable backbone 132) being substantially the same user interface (a wireless cable network Gateway 120 of Fig. 5), the first look and feel and the second look and feel being substantially the same (see Fig. 5 and para.[0059]).

But Alba fails to teach a first and a second associated network address and server software to identify one of the first and second. associated network addresses,

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and responds by identifying the other of the first and second associated network addresses to support the exchange via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption.

Whelan teaches a user interface as a sub-network or Access point (AP 414) and storage device as mobile unit (MU 416)(see US'593, para.[0003] and Fig.4) comprising:

server software (as Dynamic Host Configuration Protocol(DHCP) servers 422) that receives a request that identifies one of the first and second associated network addresses (allocate IP address to mobile units , see para. [0088] lines1-6), and responds by identifying the other of the first and second associated network addresses to support the exchange via a communication network of media between one of the first and second storage (Access Points 414) and the other of the first and second storage for consumption (Mobile units 416)(see Fig. 4 and para. [0091] lines 4-19). Therefore, it would have been obvious to one of the ordinary skill in the art, at the time of the invention was made to combine the server software that receives a request that identifies one of the first and second associated network addresses and responds by identifying the other of the first and second associated network addresses as taught by Whelan to support the exchange via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption as Alba's communication network.

Regarding to claim 2, 3: Alba teaches the system of claim 1 wherein the

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media comprises at least one of audio (DVD player 430 can play CD audio), a still image (video camera 440), video, real-time video (movie) and data (computer 450)(see Fig. 4 and para.[0055] lines 4-15, [0056] lines 4-12).

Regarding to claim 4: Alba also teaches a consumption comprises at least one of playing audio (DVD player 430 can play CD, MP3 format), displaying a still image (video camera 440), displaying video (digital camera 470 and gaming system console 460), and displaying data (computer 450)(see Fig. 4, para. [0030] lines 14-18)

Regarding to claim 5: Whelan teaches the system of claim 1 wherein the first and second associated network addresses are one of an Internet protocol (IP) address(Mobile unit makes a DHCP IP address request; see US'593 para.[0091] lines 8-11) , a media access control (MAC) address (see para.[0091] lines 12-19), and an electronic serial number (ESN) (as asymmetric key authentication for mobile unit; see para.[0087]).

Regarding to claim 6, 7: Alba discloses the system of claim 1 wherein the communication network comprises at least one of a cable infrastructure (CATV 110), a satellite network infrastructure (satellite system), a digital subscriber line (DSL) infrastructure, an Internet infrastructure (WLAN), an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (802.11(b) see Figs.1, 4 and para.[0025], [0026]). Therefore, it would have been obvious to one of the ordinary skill in the art, at the time of the invention was made to understand that a DSL modem including in the premises cable network (130 of Fig. 5).

Regarding to claim 8: Alba discloses the system of claim 1 wherein the first

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and second user interfaces (120) comprise a view having at least one media channel (WAN 110), the media channel comprising media available for consumption (see Fig. 4; wide-area cable network 110 is coupled with gateway 120 and TV cable backbone 132 for display on TV set 134 and 136, also see para. [0037, 0038].

Regarding to claim 9: Alba further discloses the system of claim 8 wherein at least a portion of the media available for consumption is user captured media. (a digital camera 470 is coupled to a WAP 410 linking to a computer 450, see Fig. 4 and para. [0057]).

Regarding to claim 10: Alba also teaches the system of claim 1 wherein the first and second user interfaces comprise a view displaying information related to at least one media peripheral (a wireless access point (WAP) communicates with a PDA as a media peripheral, see para. [0004] lines 1-6) .

Regarding to claim 11: Alba further discloses the system of claim 10 wherein the at least one media peripheral comprises at least one of a digital camera (470), a digital camcorder (440), an MP3 player (a DVD 430 player can plays MP3 format), a home juke-box system (same as DVD player with multiple discs), a multi-media personal digital assistant (PDA)(see para.[0004] lines 1-6), and a mobile multi-media gateway device (120) (see Fig. 4 and para. [0055] lines 4-15; also para. [0030] lines 14-18).

Regarding to claim 12: Alba discloses the system of claim 1 further comprising:

at least one media peripheral (Digital Camera 470) communicatively coupled to one of the first storage and the second storage (Wireless Access Point 410, wireless cable Gateway 120 and computer 450) (see para. [0057] and Fig. 4);

a third user interface for display (a third TV set) on the at least one media peripheral (or Wi-Fi device 140), the third user interface supporting the exchange and consumption of media, and having a third look and feel (allow the 3rd user at different premises can view or interact with Wi-Fi data on the third TV set); and the first, second, and third user interface being substantially the same user interface (gateway 120), the first look and feel, the second look and feel, and the third look and feel being substantially the same (see Fig. 1 and para.[0027, 0028]).

Regarding to claim 13: Alba and Whelan disclose all claim limitations; see discussion in claim 11 above.

Regarding to claim 14: Alba and Whelan disclose all claim limitations; see discussion in claim 1 above. In the recitation “set top box” that has not been given patentable weight because it have been discloses as “ a satellite receiver or cable box “ (US’403, para. [0007] lines 4-7) is denied the effect of a limitation where the claim is drawn to a description of the structure. MPEP 2111.02.

Regarding to claim 15, 16: Alba and Whelan disclose all claim limitations; see discussion in claims 2, 3 above.

Regarding to claim 17: Alba and Whelan disclose all claim limitations; see discussion in claim 4 above.

Regarding to claim 18, 19: Alba and Whelan disclose all claim limitations; see discussion in claims 6,7 above.

Regarding to claim 20: Alba and Whelan disclose all claim limitations; see discussion in claim 8 above.

Regarding to claim 21: Alba and Whelan disclose all claim limitations; see discussion in claim 9 above.

Regarding to claim 22: Alba and Whelan disclose all claim limitations; see discussion in claim 10 above. In the recitation "set top box" that has not been given patentable weight because it have been discloses in " a premises cable network " (US'403, para. [0007] lines 4-7) is denied the effect of a limitation where the claim is drawn to a description of the structure. MPEP 2111.02.

Regarding to claim 23: Alba and Whelan disclose all claim limitations; see discussion in claim 12 above.

Regarding to claim 24. Alba and Whelan disclose all claim limitations; see discussion in claim 11 above.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571) 270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/3/2007
Alan Luong
Art Unit 4126

10/3/2007
Alan Luong
Lu Yi Luong

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Incomplete US Patent Application Serial No. of Paragraph [02] line 6 and 8.

Appropriate correction is required.

< Double Patent >

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2004/0132403 (US'403) to Alba, in view of US Pub. No. 2004/0203593 (US'593) to Whelan et al.

Regarding to claim 1: Alba discloses a system supporting the exchange and consumption of media (as a wireless cable networking gateway 120 of Fig. 1; see Abstract and using a common user interface (as TV Cable Backbone 132 of Fig. 1), the system comprising:

a television display (134 of Fig. 1) in a first home (as a premises cable network 130 of Fig. 1, para. [0029]);

a first storage for storing media (a wireless cable networking gateway 120 is coupled with WAP 410 and Wi-Fi device as computer 450, see Fig. 4), in the first

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home, communicatively coupled to the television display (a first TV set 134, wireless cable networking gateway 120 and TV cable backbone 132 ; see Fig. 4, para. [0030]);

a first user interface (WAN 110, wireless cable networking gateway 120 and TV cable backbone 132) for display on the television display (first TV set 134), the first user interface supporting the exchange and consumption of media, and having a first look and feel (see Fig. 4 and para. [0009], [0010]);

a personal computer monitor (136 of Fig. 1) in a second home (as a premises cable network 130 of Fig. 1, para. [0029]);

a second storage for storing media (Gateway 120 is coupled with WAP 410 and a computer 450 of Fig. 4) , in the second home, the second storage (computer 450) communicatively coupled to the personal computer monitor (second TV set 136)(see Fig. 4, para. [0009] [0010]),

a second user interface (wireless access point 510, wireless cable networking gateway 120 and TV cable backbone 132) for display on the personal computer monitor (second TV set 136), the second user interface supporting the exchange and consumption of media, and having a second look and feel (see Fig. 5, para. [0059]);

the first user interface and the second user interface (WAN 110, WAP 510, wireless cable networking gateway 120 and TV cable backbone 132) being substantially the same user interface (a wireless cable network Gateway 120 of Fig. 5), the first look and feel and the second look and feel being substantially the same (see Fig. 5 and para.[0059]).

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But Alba fails to teach a first and a second associated network address and server software to identify one of the first and second associated network addresses, and responds by identifying the other of the first and second associated network addresses to support the exchange via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption.

Whelan teaches a user interface as a sub-network or Access point (AP 414) and storage device as mobile unit (MU 416)(see US'593, para.[0003] and Fig.4) comprising:

server software (as Dynamic Host Configuration Protocol(DHCP) servers 422) that receives a request that identifies one of the first and second associated network addresses (allocate IP address to mobile units , see para. [0088] lines 1-6), and responds by identifying the other of the first and second associated network addresses to support the exchange via a communication network of media between one of the first and second storage (Access Points 414) and the other of the first and second storage for consumption (Mobile units 416)(see Fig. 4 and para. [0091] lines 4-19). Therefore, it would have been obvious to one of the ordinary skill in the art, at the time of the invention was made to combine the server software that receives a request that identifies one of the first and second associated network addresses and responds by identifying the other of the first and second associated network addresses as taught by Whelan to support the exchange via a communication network of media between one of the first and second storage and the other of the first and second storage for

consumption as Alba's communication network.

Regarding to claim 2, 3: Alba teaches the system of claim 1 wherein the media comprises at least one of audio (DVD player 430 can play CD audio), a still image (video camera 440), video, real-time video (movie) and data (computer 450)(see Fig. 4 and para.[0055] lines 4-15, [0056] lines 4-12).

Regarding to claim 4: Alba also teaches a consumption comprises at least one of playing audio (DVD player 430 can play CD, MP3 format), displaying a still image (video camera 440), displaying video (digital camera 470 and gaming system console 460), and displaying data (computer 450)(see Fig. 4, para. [0030] lines 14-18)

Regarding to claim 5: Whelan teaches the system of claim 1 wherein the first and second associated network addresses are one of an Internet protocol (IP) address(Mobile unit makes a DHCP IP address request; see US'593 para.[0091] lines 8-11)) , a media access control (MAC) address (see para.[0091] lines 12-19), and an electronic serial number (ESN) (as asymmetric key authentication for mobile unit; see para.[0087]).

Regarding to claim 6, 7: Alba discloses the system of claim 1 wherein the communication network comprises at least one of a cable infrastructure (CATV 110), a satellite network infrastructure (satellite system), a digital subscriber line (DSL) infrastructure, an Internet infrastructure (WLAN), an intranet infrastructure, a wired infrastructure, and a wireless infrastructure (802.11(b) see Figs.1, 4 and para.[0025], [0026]). Therefore, it would have been obvious to one of the ordinary skill in the art, at the time of the invention was made to understand that a DSL modem including in the

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premises cable network (130 of Fig. 5)

Regarding to claim 8: Alba discloses the system of claim 1 wherein the first and second user interfaces (120) comprise a view having at least one media channel (WAN 110), the media channel comprising media available for consumption (see Fig. 4; wide-area cable network 110 is coupled with gateway 120 and TV cable backbone 132 for display on TV set 134 and 136, also see para. [0037, 0038]

Regarding to claim 9: Alba further discloses the system of claim 8 wherein at least a portion of the media available for consumption is user captured media. (Digital camera 470 is coupled to WAP 410 linking to computer 450, see Fig. 4 and para. [0057])

Regarding to claim 10: Alba also teaches the system of claim 1 wherein the first and second user interfaces comprise a view displaying information related to at least one media peripheral (wireless access point (WAP) communicates with a PDA as a media peripheral, see para. [0004] lines 1-6)

Regarding to claim 11: Alba further discloses the system of claim 10 wherein the at least one media peripheral comprises at least one of a digital camera (470), a digital camcorder (440), an MP3 player (DVD 430 player can plays MP3 format), a home juke-box system (same as DVD player with multiple discs), a multi-media personal digital assistant (PDA)(see para.[0004] lines 1-6), and a mobile multi-media gateway device (120) (see Fig. 4 and para. [0055] lines 4-15; also para. [0030] lines 14-18).

Regarding to claim 12: Alba discloses the system of claim 1 further comprising:

at least one media peripheral (Digital Camera 470) communicatively coupled to one of the first storage and the second storage (Wireless Access Point 410, wireless cable Gateway 120 and computer 450) (see para. [0057] and Fig. 4);

a third user interface for display (a third TV set) on the at least one media peripheral (or Wi-Fi device 140), the third user interface supporting the exchange and consumption of media, and having a third look and feel (allow the 3rd user at different premises can view or interact with Wi-Fi data on the third TV set); and the first, second, and third user interface being substantially the same user interface (gateway 120), the first look and feel, the second look and feel, and the third look and feel being substantially the same (see Fig. 1 and para.[0027, 0028]).

Regarding to claim 13: Alba and Whelan disclose all claim limitations; see discussion in claim 11 above.

Regarding to claim 14: Alba and Whelan disclose all claim limitations; see discussion in claim 1 above. In the recitation “set top box” that has not been given patentable weight because it have been discloses as “ a satellite receiver or cable box “ (US’403, para. [0007] lines 4-7) is denied the effect of a limitation where the claim is drawn to a description of the structure. MPEP 2111.02.

Regarding to claim 15, 16: Alba and Whelan disclose all claim limitations; see discussion in claims 2, 3 above.

Regarding to claim 17: Alba and Whelan disclose all claim limitations; see discussion in claim 4 above.

Regarding to claim 18, 19: Alba and Whelan disclose all claim limitations; see discussion in claims 6,7 above.

Regarding to claim 20: Alba and Whelan disclose all claim limitations; see discussion in claim 8 above.

Regarding to claim 21: Alba and Whelan disclose all claim limitations; see discussion in claim 9 above.

Regarding to claim 22: Alba and Whelan disclose all claim limitations; see discussion in claim 10 above. In the recitation "set top box" that has not been given patentable weight because it have been discloses in " a premises cable network " (US'403, para. [0007] lines 4-7) is denied the effect of a limitation where the claim is drawn to a description of the structure. MPEP 2111.02.

Regarding to claim 23: Alba and Whelan disclose all claim limitations; see discussion in claim 12 above.

Regarding to claim 24. Alba and Whelan disclose all claim limitations; see discussion in claim 11 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571) 270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

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< **Double Patenting** > move to after Spec.

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7,11,13,15-16,18-19,23-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 5,7-13, 16-17, 21-24 of copending Application No. 10/667833. For example:

10/672654 (claims 1-3)	10/667833 (claims 1-3)
<p>1. A system supporting the exchange and consumption of media using a common user interface, the system comprising: a television display in a first home; a first storage for storing media, in the first home, having a first associated network address, the first storage communicatively coupled to the television display;</p> <p>2. The system of claim 1 wherein the media</p>	<p>1. A system supporting concurrent consumption of media from multiple sources, the system comprising: a first television display in a first home; a first storage in the first home that stores a first media, and having an associated first network protocol address;</p>

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comprises at least one of audio, a still image, video, and data. 3. The system of claim i wherein the media comprises real-time video.	2. The system of claim 1 wherein the first media comprises at least one of audio, a still image, video, and data. 3. The system of claim 2 wherein the first media is real-time video.
6. The system of claim i wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure.	7. The system of claim 1 wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure.
11. The System of claim 10 wherein the at least one media peripheral comprises at least one of a digital camera, a digital camcorder, an MP3 player, a home juke-box system, a multi-media personal digital assistant (PDA), and a mobile multi-media gateway device,	11. The system of claim 10 wherein the at least one first media peripheral comprises at least one of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and a MP3 player.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in application are the same subject matter to the claims in the copending application although the claims in copending application are broader than the claims in application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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